

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UTICA COMMUNITY SCHOOLS,

Plaintiff,

Case No. 20-13255

v.

Honorable Nancy G. Edmunds

G.D. & R.D. obo G.D. and
JASON DANIEL WINE,

Defendants.

_____ /

**ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND [16]**

In this lawsuit filed on December 10, 2020, Plaintiff appeals the administrative law judge's decision following a due process hearing conducted under the Individuals with Disabilities Education Act ("IDEA") and seeks an award of attorney's fees and costs pursuant to the IDEA.¹ The matter is before the Court on Plaintiff's motion to amend pleading. (ECF No. 16.) Plaintiff seeks leave to amend its complaint to clarify and expand the factual allegations in Count II of its original complaint and to dismiss Count III. Plaintiff also seeks to correct a typographical error and make an addition to the requested relief section of the complaint. Defendants did not file a response to the motion.

¹ This case is a companion matter to case no. 20-12864, which was filed previously by Defendants G.D. & R.D. seeking their own award of attorney's fees and costs under the IDEA as a result of the same underlying administrative action.

Federal Rule of Civil Procedure 15(a)(2) provides that leave to amend “should [be] freely give[n] . . . when justice so requires.”² Several factors are relevant to the Court’s decision to permit amendment to a pleading, including “[u]ndue delay in filing, lack of notice to the opposing party, bad faith by the moving party, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, and futility of amendment.” *Head v. Jellico Hous. Auth.*, 870 F.2d 1117, 1123 (6th Cir. 1989) (internal quotation marks and citation omitted).

The Court finds that all of the relevant factors weigh in favor of granting Plaintiff leave to file its amended complaint. If granted, this would be the first amendment. And there is no evidence of undue delay in filing or undue prejudice to Defendants. Accordingly, Plaintiff’s motion to amend is GRANTED. Plaintiff’s first amended complaint is to be filed by August 6, 2021.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: July 30, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 30, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager

² Under Rule 15(a)(2), a party may also amend a pleading with the written consent of the opposing party. Here, Plaintiff states Defendants denied concurrence with the relief sought in this motion, despite later failing to file a response.